



PATENT

Customer No. 22,852

Attorney Docket No. 08358.0006-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)
Steffen GOLETZ et al.	)
	) Group Art Unit: Not yet assigned
Application No.: 10/524,738	)
	) Examiner: Not yet assigned
Filed: February 16, 2005	)
	)
For: PROCESS FOR THE	) Confirmation No.: Not yet assigned
PRODUCTION OF	)
TEMPERATURE-INDUCED	)
TUMOR CELL LYSATES FOR	)
USE AS IMMUNOGENIC	)
COMPOUNDS	)

**Mail Stop Missing Parts**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTIFICATION OF  
 MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

In response to the communication of July 29, 2005, Applicants submit a Declaration/Power of Attorney for filing in this application, the required fee of \$130.00, and a copy of the Notice of Missing Requirements.

The Examination fee of \$200 was paid by Applicants on February 16, 2005. A copy of the Transmittal Letter and stamped postcard and receipt are enclosed as evidence of this payment.

Please associate the enclosed declaration with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2005

By: 

Leslie A. McDonell  
Reg. No. 34,872

Rec'd PCT/PTO 15 SEP 2005

000FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  
REV. 2/01

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

CUSTOMER NO. 22,852  
ATTORNEY'S DOCKET NUMBER  
**08358.0006**

U.S. APPLICATION NO.  
(If known, see 37CFR1.5)

INTERNATIONAL APPLICATION NO.  
**PCT/EP2003/009140**

INTERNATIONAL FILING DATE  
**18 August 2003**

PRIORITY DATE CLAIMED  
**16 August 2002**

**TITLE OF INVENTION PROCESS FOR THE PRODUCTION OF TEMPERATURE-INDUCED TUMOR CELL LYSATES  
FOR USE AS IMMUNOGENIC COMPOUNDS**

APPLICANT(S) FOR DO/EO/US

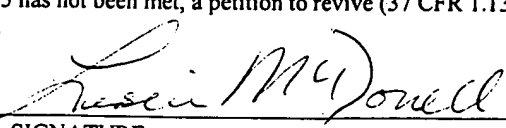
**Steffen GOLETZ  
Hans BAUMEISTER  
Ute SCHÖBER**

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application \_\_\_\_\_ under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ Copy of the International Search Report
  - b. ☐ Copy of cover page of International Publication No.
  - c. ☐ Copy of Notification of Missing Requirements.

U.S. APPLICATION NO. (If known, see 37CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/009140</b>		ATTORNEY'S DOCKET NUMBER <b>08358.0006</b>	
21. <input checked="" type="checkbox"/> The following fees are submitted:				Applicant Use	Office Use Only
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>				<b>\$300.00</b>	
National Stage Search Fee.....				<b>\$500.00</b>	
National Stage Examination Fee.....				<b>\$200.00</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$1,000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate		
- 100 =	/50=		x 250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	38	- 20 =	18	x \$50.00	\$900.00
Independent Claims	1	- 3 =	1	x \$200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$360.00	
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				<b>\$2,260.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
<b>SUBTOTAL =</b>					
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).				<input type="checkbox"/> 20 <input type="checkbox"/> 30	
<b>TOTAL NATIONAL FEE =</b>					
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$2,260.00</b>	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>2,260.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.					
901 New York Avenue, NW					
Washington, D.C. 20001-4413					
DATED: <u>February 15, 2005</u>				 SIGNATURE Leslie A. McDonnell Reg. No. 34,872 NAME/REGISTRATION NO.	

LAM

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

In Re Application of: Steffen GOLETZ et al.

Application No.:  
U.S. National Phase of PCT/EP2003/009140

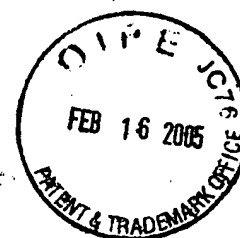
Group Art Unit: Not Yet Assigned

Filed: Concurrently Herewith

Examiner: Not Yet Assigned

For: PROCESS FOR THE PRODUCTION OF TEMPERATURE-INDUCED TUMOR CELL LYSATES FOR USE AS IMMUNOGENIC COMPOUNDS

1. TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 (2 pages);
2. COPY OF INTERNATIONAL APPLICATION WO 2004/018659 A1 AS FILED (58 pages);
3. COPY OF DRAWINGS (FIGS. 1-5)
4. INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b) (2 pages);
5. IDS FORM PTO/SB/08 (1 page);
6. COPIES OF 6 REFERENCES;
7. PRELIMINARY AMENDMENT (8 pages);
8. COPY OF THE INTERNATIONAL REQUEST FORM AND THE SPECIFICATION AS FILED;
9. COPY OF PETITION TO THE WIPO DATED NOVEMBER 13, 2003
10. COPY OF IB 306
11. COPY OF THE REQUEST FOR INTERNATIONAL PRELIMINARY EXAMINATION
12. COPY OF IB 308
13. COPY OF WRITTEN OPINION
14. COPY OF RESPONSE TO WRITTEN OPINION DATED NOVEMBER 8, 2004
15. COPY OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT WITH ANNEX; and
16. CHECK IN THE AMOUNT OF \$2,260.00.



Dated February 16, 2005

Docket No.: 08358.0006-00000

LAM/rv- Mail Drop Camb

575

(Due Date: February 16, 2005)

OK 408-16-05

LAM/USD



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/524,738

FIRST NAMED APPLICANT

Steffen GOLETZ

ATTY. DOCKET NO.

08358.0006

INTERNATIONAL APPLICATION NO.

PCT/EP03/09140

I.A. FILING DATE

08/18/2003

PRIORITY DATE

08/16/2002

22852

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

CONFIRMATION NO. 1565

371 FORMALITIES LETTER



\*OC000000016627049\*

Date Mailed: 07/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/16/2005
- Copy of the International Search Report filed on 02/16/2005
- Copy of IPE Report filed on 02/16/2005
- Information Disclosure Statements filed on 02/16/2005
- U.S. Basic National Fees filed on 02/16/2005
- Priority Documents filed on 02/16/2005

**RECEIVED**

AUG - 4 2005

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$330 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

- The application examination fee has not been paid. Applicant must submit \$200 to complete the

Docketed 8-4-05 Attorney LAM/USD  
 Case 8358-4  
 Due Date 9-29-05  
 Action DELLISCH  
 By HE

5-4-06

examination fee for a small entity

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,738	PCT/EP03/09140	08358.0006

FORM PCT/DO/EO/905 (371 Formalities Notice)